

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|   |   |                        |
|---|---|------------------------|
| In re Application of: S. Kalled and H. Reid | ) |                        |
|   | ) |                        |
| Application No.: 10/505,376                 | ) | Group Art Unit: 1649   |
|   | ) |                        |
| Filed: July 1, 2005                         | ) | Examiner: D. Kolker    |
|   | ) |                        |
| For: USE OF BCMA AS AN                      | ) |                        |
| IMMUNOREGULATORY AGENT                      | ) | Confirmation No.: 2363 |

**Mail Stop Petition**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT**  
**ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

The above-identified application became abandoned for failure to file a timely and proper response to the Office action mailed on January 23, 2009, which set a three-month period for response. The abandonment date of this application is April 24, 2009 (i.e., the day after the expiration date of the three-month period set for response). The entire delay in filing the required reply, from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b), was unintentional, as demonstrated below.

Applicant hereby petitions for revival of this application. The petition fee of \$1,620.00 is enclosed. In addition, Applicant submits a response to the above-noted

Office action in the form of a divisional application. Because this application was filed on or after June 8, 1995, no terminal disclaimer is required.

Remarks

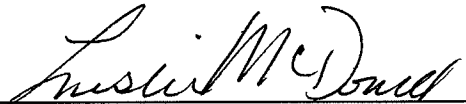
The above-identified application is assigned to Biogen Inc. (Biogen) and LaTrobe University (LaTrobe). Certain subject matter disclosed and originally claimed in the application, namely, antibodies to BAFF ligand, is exclusively licensed to Glaxo SmithKline (GSK) and Human Genome Sciences (HGS) (collectively "GSK/HGS"). A restriction requirement issued on November 19, 2008, requiring restriction among various aspects of the claimed subject matter, including antibodies to BAFF ligand. In response to the restriction requirement, the claims were amended so as to no longer claim antibodies to BAFF ligand. A first substantive office action was issued on January 23, 2009. On instructions from Biogen in-house counsel dated July 8, 2009, no response to this office action was filed. The application thus became abandoned.

Neither GSK/HGS nor LaTrobe intended to abandon the application, and Biogen's in-house counsel did not intend to deprive GSK/HGS of any rights in the BAFF ligand antibody subject matter. Upon learning of the abandonment of the application on November 18, 2009, GSK/HGS contacted Biogen in-house counsel on November 19, 2009 to investigate the circumstances of the abandonment and determine possible remedies, leading to the filing of this petition and the accompanying divisional application (U.S. Application No. 12/862,448, filed August 24, 2010, courtesy copy of e-filing receipt attached) claiming the BAFF ligand antibody technology. All of the delay involved in filing this petition for revival was unintentional.

If there are any additional fees due in connection with the filing of this Petition,  
the Commissioner is authorized to charge such fees to Deposit Account 06-0916.

Respectfully submitted,

Dated: August 24, 2010

By:   
Leslie A. McDonell  
Reg. No. 34,872

Attachment

Courtesy Copy of e-filing receipt for U.S. Application No. 12/862,448, filed August 24, 2010.

## Electronic Acknowledgement Receipt

|   |  |
|---|--|
| <b>EFS ID:</b>                              | 8282230                                  |
| <b>Application Number:</b>                  | 12862448                                 |
| <b>International Application Number:</b>    |  |
| <b>Confirmation Number:</b>                 | 4026                                     |
| <b>Title of Invention:</b>                  | USE OF BCMA AS AN IMMUNOREGULATORY AGENT |
| <b>First Named Inventor/Applicant Name:</b> | Susan L. Kalled                          |
| <b>Customer Number:</b>                     | 65779                                    |
| <b>Filer:</b>                               | Leslie A. McDonell/Carol Karuzis         |
| <b>Filer Authorized By:</b>                 | Leslie A. McDonell                       |
| <b>Attorney Docket Number:</b>              | 08201.0028-01000                         |
| <b>Receipt Date:</b>                        | 24-AUG-2010                              |
| <b>Filing Date:</b>                         |  |
| <b>Time Stamp:</b>                          | 17:09:40                                 |
| <b>Application Type:</b>                    | Utility under 35 USC 111(a)              |

### Payment information:

| Submitted with Payment |                      | no              |  |                  |                  |
|------------------------|----------------------|-----------------|--|------------------|------------------|
| File Listing:          |                      |                 |  |                  |                  |
| Document Number        | Document Description | File Name       | File Size(Bytes)/ Message Digest             | Multi Part /.zip | Pages (if appl.) |
| 1                      |                      | application.PDF | 2623854                                      | yes              | 66               |
|                        |                      |                 | c2c66f55d0a1fe71970b940eb041d3c5c6d<br>bffb4 |                  |                  |

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|                              | Multipart Description/PDF files in .zip description |                        |  |     |   |
|                              | Document Description                                |                        | Start                                    | End |   |
|                              | Specification                                       |                        | 1  | 48  |   |
|                              | Claims  |                        | 49                                       | 52  |   |
|                              | Abstract  |                        | 53                                       | 53  |   |
|                              | Drawings-only black and white line drawings         |                        | 54                                       | 66  |   |
| Warnings:                    |   |                        |  |     |   |
| Information:                 |   |                        |  |     |   |
| 2                            | Miscellaneous Incoming Letter                       | sequence_statement.pdf | 35627                                    | no  | 1 |
|                              |   |                        | 00fea0c5f84c3ccb3399380deaf31916e00858   |     |   |
| Warnings:                    |   |                        |  |     |   |
| Information:                 |   |                        |  |     |   |
| 3                            | Sequence Listing                                    | sequence_listing.PDF   | 129177                                   | no  | 5 |
|                              |   |                        | ba5a8eeb6c4420ae699b7c97c7a2ca1add9c335d |     |   |
| Warnings:                    |   |                        |  |     |   |
| Information:                 |   |                        |  |     |   |
| 4                            | Transmittal of New Application                      | Transmittal.pdf        | 94538                                    | no  | 2 |
|                              |   |                        | 31c61859c31f0759f717e06d0e23f010b925a000 |     |   |
| Warnings:                    |   |                        |  |     |   |
| Information:                 |   |                        |  |     |   |
| 5                            | Oath or Declaration filed                           | declaration_POA.pdf    | 165038                                   | no  | 2 |
|                              |   |                        | 54779d86498c6e51ead6775a7a3dd5d30478b180 |     |   |
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